



ORIGINAL PAPER

Parliament in the Architecture of Separation of Powers in Post-Communist Romania (1991–2003): Between Democratic Centrality and Constitutional Limitation

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Abstract:

This paper analyzes the evolution of the Romanian Parliament within the framework of the separation of powers during the post-communist transition (1991–2003). The study aims to examine how the constitutional design established by the 1991 Constitution and revised in 2003 shaped the role of Parliament as a central yet constitutionally limited institution.

The research adopts a doctrinal and comparative approach, focusing on the dynamics of the legislative function, the relationship between Parliament, Government and President, and the impact of Constitutional Court jurisprudence on institutional balance. The findings indicate that, although Parliament is formally recognized as the sole legislative authority, its effective role is influenced by legislative delegation and constitutional review mechanisms.

The paper also highlights the evolution of parliamentary status and the professionalization of legislative activity, as well as the relevance of the Romanian case within the broader context of Central and Eastern European transitions. The study concludes that Parliament remains a key institution of democratic representation, but its position is redefined within a system characterized by interdependence, constitutional control, and institutional balance.

Keywords: *Parliament; separation of powers, constitutionalism, Constitutional Court, legislative function, representative democracy.*

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1. Romanian Post-Communist Constitutionalism: Between Rupture and Institutional Reconstruction

The collapse of the totalitarian regime in December 1989 generated in Romania not merely a regime change, but a genuine constitutional discontinuity, characterized by the absence of a coherent normative framework and by the necessity of a complete reconstruction of state institutions. Unlike other post-communist transitions in Central and Eastern Europe, marked by negotiated or gradual processes, the Romanian case is distinguished by its abrupt and conflictual character, which profoundly influenced the subsequent constitutional architecture (Deleanu, 2013, pp. 42–45).

In this context, the adoption of the 1991 Constitution cannot be reduced to its formal legal dimension, but must rather be understood as the founding act of the new political order. Its legitimacy derived from a constituent process exercised by the Parliament elected in 1990, which combined both legislative and constituent functions. This institutional overlap provided the constitutional text with a democratic foundation, even though it was established in a climate of uncertainty and accelerated reconfiguration of power relations.

Moreover, the 1991 Constitution reflected both a compromise among the emerging political forces of the transition and a normative projection of a constitutional democracy still in formation. From this perspective, the constitutional text did not merely organize political power, but also expressed a strategic option regarding the direction of the Romanian state's evolution.

The central issue of the post-communist period was not exclusively the drafting of a new constitution, but rather the institutional reconstruction of the state itself. The previous regime had functioned on the basis of a formal constitutionalism in which the separation of powers was purely declaratory, while institutions remained subordinated to the single ruling party. Consequently, democratic transition required not only the establishment of new norms, but also the redefinition of relations between public authorities and the creation of effective mechanisms for limiting power.

This reconstruction involved the constitutional entrenchment of the separation and balance of powers, the guarantee of political pluralism, and the establishment of constitutional review. In particular, the emergence of the Constitutional Court as a specialized jurisdiction represented one of the most significant innovations of the new constitutional system, contributing to the transformation of Parliament from an absolutely sovereign authority into a constitutionally limited one (Muraru & Tănăsescu, 2008, pp. 145–148).

Thus, the transition from formal constitutionalism to democratic constitutionalism becomes essential for understanding institutional evolution. While the former is limited to the mere existence of a constitutional text, the latter presupposes the effectiveness of constitutional norms, the protection of fundamental rights, and the functioning of mechanisms of institutional control. Within this framework, Parliament can no longer be conceived as an exclusive center of power, but rather as part of a system of checks and balances in which legitimacy is distributed among several public authorities.

The option for a semi-presidential regime within the 1991 Constitution must be interpreted according to the same logic of institutional equilibrium. The direct election of the President, combined with the political responsibility of the Government before Parliament, creates a dual system of legitimacy intended to prevent excessive concentration of power. In this context, Parliament retains its central role within the legislative process, while coexisting with other centers of democratic authority.

During the transitional period between 1991 and 2003, Parliament played a decisive role in shaping the normative framework of the new social and economic order. The intensity of legislative activity reflected not only the necessity of rapid regulation, but also the complexity of structural transformations. At the same time, this period was marked by institutional tensions and conflicts of competence, which contributed to the progressive clarification of relations between public authorities through the intervention of constitutional adjudication.

Overall, Romanian post-communist constitutionalism cannot be understood as a singular moment, but rather as an evolutionary process characterized by successive adjustments and institutional consolidations. Within this process, Parliament occupied a central position both as a constituent body and as a legislative authority and actor of institutional balance. The analysis of its evolution during the period 1991–2003 allows for a deeper understanding of the manner in which the principle of separation of powers was not only formally enshrined, but also practically configured.

II. The 1991 Constitution as the Foundation of the Democratic Regime: Between Normative Entrenchment and Institutional Balance

The adoption of the 1991 Constitution marks the moment of the legal institutionalization of democracy in post-communist Romania, yet its significance extends beyond the formal dimension of state organization. The constitutional text must be interpreted as the expression of a fundamental political and legal option aimed at reconstructing the legitimacy of power and establishing a normative framework capable of limiting its exercise.

The transition from an authoritarian regime, characterized by the concentration of power and the absence of pluralism, to a democratic system required not only the introduction of new institutions, but also the redefinition of the relationship between authority and citizen. The 1991 Constitution thus established legal mechanisms intended to ensure not only the organization of political power, but also its control, through the entrenchment of the principles of the rule of law, national sovereignty, and political pluralism (Muraru & Tănăsescu, 2008, pp. 145–148).

At the center of this institutional architecture stands Parliament, whose constitutional position reflects the option for representative democracy. Its status as the supreme representative body and sole legislative authority grants the legislature an essential role in the normative configuration of the political system. Nevertheless, this centrality must not be understood in absolute terms, since it is moderated by the mechanisms of institutional control and balance introduced by the Constitution.

The principle of the rule of law constitutes one of the fundamental pillars of the new regime. It implies the supremacy of the Constitution and the subordination of all public authorities to legal norms, as well as the existence of institutional mechanisms capable of guaranteeing their observance. In this regard, constitutional review becomes an essential element in limiting legislative power, contributing to the redefinition of Parliament's role within the constitutional system.

National sovereignty, constitutionally vested in the people, introduces an essential democratic dimension in which the exercise of power is mediated through representative institutions. Parliament thereby becomes the principal channel for expressing the collective political will, although this function is exercised within constitutional limits designed to prevent the parliamentary majority from becoming a discretionary authority.

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Political pluralism, absent during the previous regime, is recognized as a defining feature of democracy. Competition among political parties not only legitimizes the decision-making process, but also contributes to the dynamics of institutional balance insofar as the structure of Parliament reflects the diversity of political options (Olimid, 2015, pp. 24–26).

The configuration of the separation of powers in the 1991 Constitution does not follow a rigid model, but rather a flexible one characterized by institutional interdependence. Legislative, executive, and judicial powers do not function in isolation, but within a system of reciprocal relations in which each authority possesses mechanisms of influence over the others. The Government's political responsibility before Parliament, the President's right to request the reconsideration of laws, and the Constitutional Court's role in reviewing legal norms illustrate this logic of institutional equilibrium.

Within this framework, the institutionalization of bicameralism represents an option intended to strengthen the quality of the legislative process and to introduce an additional level of deliberation. The examination of legislative proposals by two distinct chambers serves not only a technical function, but also a political one, contributing to the moderation of potential excesses of the majority and to the refinement of normative content.

The status of Parliament as the sole legislative authority establishes a formal monopoly over the adoption of laws; however, this monopoly is relativized by the existence of legislative delegation and constitutional review. These mechanisms introduce structural limits on the exercise of legislative power, transforming Parliament from an exclusive center of power into an actor integrated within a complex system of checks and balances.

The importance of the 1991 Constitution for Romania's institutional evolution lies precisely in this capacity to combine the normative entrenchment of democracy with the establishment of mechanisms of control and balance. Subsequent constitutional practice revealed both the functionality of this model and its limitations, thereby paving the way for the constitutional revision of 2003.

Consequently, the 1991 Constitution should not be regarded as the final point of democratic transition, but rather as the initial stage of a continuous process of institutional adjustment in which Parliament's role evolves from formal centrality to integration within a system of constitutional equilibrium.

III. The 2003 Constitutional Revision: Between European Integration and Institutional Recalibration

The revision of the Romanian Constitution in 2003 represents a turning point in the evolution of post-communist constitutionalism, marking the transition from a stage focused on establishing the democratic framework to one centered on its consolidation and adaptation. While the 1991 constitutional text reflected the imperatives of institutional reconstruction in a context of political uncertainty, the constitutional reform of 2003 must be understood as a response to the need for stabilization, clarification, and Europeanization of the legal and political system.

The nature of the revision was not disruptive, but rather corrective and adaptive. The constitutional architecture established in 1991 was maintained in its essential lines, yet institutional mechanisms were recalibrated in order to respond both to the practical experience accumulated over the previous decade and to the external requirements generated by the process of European integration. In this sense, the revision appears as a

stage of constitutional maturation in which legal norms were adjusted in order to become more functional and coherent.

A determining factor of this reform was European integration. In the context of the advanced negotiations for accession to the European Union, the Romanian state was compelled to adapt its constitutional framework to the principles of the European legal order. This adaptation was not limited to technical modifications, but involved a redefinition of the relationship between domestic law and European law, including the acceptance of the transfer of competences to the institutions of the European Union (Olimid, 2010, pp. 88–92).

By introducing provisions that allow for the integration of European law into the national legal order, the revised Constitution established a structural openness of the Romanian constitutional system toward a supranational level of governance. This transformation had significant implications for the role of Parliament, which no longer retained an absolute monopoly over normative production, but instead operated within a complex legal framework in which European norms became directly relevant.

Beyond its European dimension, the 2003 revision also pursued the consolidation of the rule of law through the strengthening of institutional control mechanisms. In this context, the role of the Constitutional Court was significantly expanded and clarified, transforming it into a central actor in guaranteeing the supremacy of the Constitution and arbitrating constitutional conflicts between public authorities. The strengthening of constitutional jurisdiction contributed to limiting potential excesses of parliamentary majorities and to stabilizing relations between public authorities (Deleanu, 2013, pp. 198–201).

The amendments concerning Parliament reflected the same logic of consolidation and institutional efficiency. The establishment of the duration of the parliamentary mandate, the clarification of the regime of parliamentary immunity, and procedural adjustments concerning the functioning of the chambers sought to strengthen both the stability and the responsibility of the legislative institution. These interventions did not alter Parliament's fundamental role, but adapted its functioning to the requirements of a mature democratic system.

At the same time, the 2003 constitutional revision implicitly addressed a structural problem of the 1991 Constitution, namely the ambiguities existing in the relations between public authorities. Institutional practice during the first post-communist decade had revealed recurring tensions between Parliament, Government, and the President, generated by insufficiently clear delimitations of competences. The amendments introduced in 2003 aimed to reduce these ambiguities and to strengthen the mechanisms of institutional equilibrium.

By clarifying legislative procedures and reinforcing parliamentary control over the Government, the revised Constitution contributed to redefining the role of Parliament in a more functional manner. Parliament remained the center of democratic deliberation, yet it operated within a more clearly articulated institutional framework in which interdependencies among public authorities were more precisely regulated.

The significance of the 2003 constitutional revision therefore lies in this dual dimension: on the one hand, adaptation to the requirements of European integration, and on the other, the consolidation of the internal mechanisms of the rule of law. The Constitution thus became not merely an instrument for organizing political power, but also a dynamic normative framework capable of responding to political and legal transformations.

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Within this evolution, Parliament maintained its central role, although in a configuration different from that of the initial stage of transition. From a dominant position in the process of institutional reconstruction, it evolved into an actor integrated within a complex system of governance characterized by pluralism, control, and institutional interdependence.

IV. Parliament within the Architecture of the Separation of Powers (1991–2003): Normative Centrality and Constitutional Limitation

The principle of the separation of powers constitutes one of the defining landmarks of modern constitutionalism; however, its application within the Romanian post-communist system reveals a particular configuration characterized not by rigidity, but by institutional interdependence. The 1991 Constitution, consolidated through the 2003 revision, does not establish an absolute separation of powers, but rather a functional model in which cooperation and mutual control become essential elements of constitutional equilibrium (Vida, 2006, pp. 74–76).

Within this framework, Parliament occupies a privileged position derived both from its direct democratic legitimacy and from its role in the process of producing legal norms. Nevertheless, this centrality must not be interpreted in terms of institutional supremacy, but rather as part of a system in which the exercise of power is limited and conditioned by interaction with the other state authorities.

The Romanian constitutional model reflects a functional separation of powers in which competences are distributed among authorities, yet their exercise inevitably involves mechanisms of cooperation. Parliament adopts laws, but legislative initiative largely belongs to the Government, while the implementation of norms is carried out by the executive. This distribution does not diminish Parliament's role, but rather places it in a relationship of interdependence with the other branches of power, thereby contributing to the stability of the political system.

The relationship between Parliament and the Government represents one of the clearest expressions of this interdependence. The legitimacy of the Government is conditioned by the vote of confidence granted by Parliament, which establishes the political responsibility of the executive. At the same time, parliamentary control instruments—questions, interpellations, and especially the motion of censure—allow the legislature to sanction governmental activity and influence the direction of governance.

Nevertheless, the relationship between these two authorities is not unilateral. The Government actively participates in the legislative process through legislative initiative and by benefiting from mechanisms such as legislative delegation. This dual involvement transforms the legislative–executive relationship into one of competitive cooperation, in which each authority influences political decision-making without monopolizing it.

Relations between Parliament and the President introduce another dimension of institutional equilibrium specific to semi-presidential regimes. The direct election of the head of state grants the President a distinct democratic legitimacy, which may generate tensions in relation to Parliament. The constitutional mechanisms established to manage these relations—the right of promulgation, the possibility of requesting reconsideration of laws, and the referral of laws to the Constitutional Court—reflect a form of indirect control over legislative activity.

Conversely, Parliament possesses instruments for sanctioning the President, including the procedure for suspension from office in cases of serious violations of the Constitution. This possibility demonstrates that institutional equilibrium is not constructed

exclusively in favor of the executive, but rather presupposes a distribution of control mechanisms among public authorities.

A decisive role in maintaining this equilibrium belongs to the Constitutional Court, which functions as an arbitral institution between public authorities. Through constitutional review and the settlement of constitutional legal conflicts, the Court contributes to the delimitation of competences and the prevention of institutional abuses. Its jurisprudence has had a significant impact on clarifying the relations between Parliament, Government, and the President, transforming the Court into a central actor within the system of checks and balances (Constantinescu, 1998, pp. 118–121).

The period between 1991 and 2003 highlights the dynamic nature of this institutional equilibrium. Constitutional practice was marked by conflicts and tensions that tested the limits of the normative framework and required interpretative interventions by the Constitutional Court. These developments do not indicate a dysfunction of the system, but rather its process of maturation, in which constitutional rules are clarified through application.

The constitutional revision of 2003 intervened precisely within this context, strengthening the mechanisms of cooperation and mutual control among public authorities. Through the adjustments introduced, institutional equilibrium became more stable, while the role of Parliament was redefined in a more precise manner without diminishing its importance.

Overall, Parliament's position within the architecture of the separation of powers cannot be reduced to the idea of formal centrality, but must instead be understood as part of a complex system of interdependencies. The effective functioning of this system depends not only on constitutional norms, but also on the manner in which they are interpreted and applied in practice.

V. The Evolution of the Legislative Function between 1991 and 2003: Between Formal Centrality and Normative Competition

The legislative function represents the core of Parliament's powers and the principal mechanism through which political will is transformed into legal norms. During the period 1991–2003, this function was subjected to structural pressures generated by the complexity of the post-communist transition, leading both to an unprecedented intensification of legislative activity and to significant transformations in the manner in which legislative authority was exercised.

In the first years following the adoption of the 1991 Constitution, Parliament was placed in the position of constructing almost entirely the normative framework of the new democratic state. Essential fields such as property rights, the organization of public administration, the electoral system, and the functioning of the market economy required rapid and substantial regulation. This legislative dynamic reflected not only the need for institutional adaptation, but also the profoundly transformative character of the transition itself (Vedinaş, 2020, pp. 52–55).

Nevertheless, the intensity of the legislative process was accompanied by a certain degree of normative instability generated by the frequency of amendments and by the sometimes experimental nature of the adopted regulations. This reality indicates that the legislative function was not exercised within a stable and predictable framework, but rather in a context of continuous adjustment in which legal norms were frequently revised in order to respond to social and economic developments.

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A defining element of this period was the expansion of legislative delegation and the Government's increasing use of ordinances. Although the Constitution established Parliament as the sole legislative authority, institutional practice revealed a partial redistribution of normative power in favor of the executive. The necessity of rapidly adopting regulations in a context of accelerated transformation justified the frequent recourse to this mechanism.

This evolution generated a structural tension between Parliament's formal centrality and the Government's growing role in the normative process. Legislative delegation does not eliminate Parliament's role, since ordinances must subsequently be approved by law, but it introduces an element of normative competition that redefines the balance between the legislative and executive branches.

At the same time, the legislative procedure underwent a process of institutional consolidation intended to increase both the efficiency and the quality of parliamentary deliberation. The development of the chambers' internal regulations, the strengthening of parliamentary committees, and the clarification of the stages of the legislative process contributed to the professionalization of legislative activity. These developments indicate a transition from a phase of intensive normative production to one of procedural structuring.

An essential role in shaping the legislative function belongs to the constitutional review exercised by the Constitutional Court. Through its interventions, the constitutional jurisdiction established the limits of legislative activity, reinforced the principle of bicameralism, and prevented potential abuses by parliamentary majorities. The Court's jurisprudence had a direct impact on the drafting of laws, contributing to the disciplining of the normative process (Vida, 2006, pp. 132–135).

Within this context, the legislative function can no longer be understood exclusively as a prerogative of Parliament, but rather as the result of a complex interaction among multiple authorities. Parliament remains the formal center of the legislative process, yet the effective exercise of this function is influenced by executive intervention and judicial review.

The significance of the evolution of the legislative function during the period 1991–2003 must therefore be analyzed beyond the quantitative dimension of normative production. It reflects the transformation of Parliament from a dominant institution of transition into an actor integrated within a more complex system of governance characterized by institutional interdependence and normative pluralism.

Within this dynamic, Parliament preserves its essential role in defining the legal framework of the state, yet it no longer exercises exclusive control over the normative process. This reality does not indicate a diminution of its importance, but rather an adaptation to the logic of contemporary constitutionalism, in which power is distributed and limited through multiple institutional mechanisms.

VI. The Status of the Parliamentarian in the Constitutional Transition (1991–2003): Between Representation, Autonomy, and Responsibility

The analysis of Parliament's functioning within the Romanian constitutional system cannot be carried out exclusively at the institutional level without taking into account the legal and political status of the parliamentarian. The manner in which the representative mandate, the regime of incompatibilities, and the guarantees related to the exercise of parliamentary office are configured directly influences both the quality of the legislative process and the legitimacy of the representative institution.

During the period 1991–2003, the status of the parliamentarian underwent significant evolution, reflecting the transition from an incipient phase of democratic representation to one characterized by professionalization and institutional consolidation. This transformation must be analyzed within the broader context of redefining Parliament's role within a system of power based on equilibrium and mutual control.

A central element of this status is the representative mandate, which enshrines the principle that a parliamentarian represents not merely the interests of the electoral constituency, but the general will of the political body. The prohibition of the imperative mandate reflects this fundamental option of democratic constitutionalism, guaranteeing both the freedom of deliberation and the decisional autonomy of parliamentarians. At the same time, such autonomy does not exclude political responsibility, which manifests itself through periodic elections and the continuous relationship between representatives and the electorate (Muraru & Tănăsescu, 2008, pp. 175–178).

The regime of incompatibilities constitutes another essential dimension of parliamentary status, being designed to protect the integrity and independence of the legislative function. The prohibition against simultaneously exercising functions capable of generating conflicts of interest contributes to maintaining Parliament's autonomy and preventing the concentration of power. The evolution of this regime during the analyzed period reflects the concern for strengthening transparency and public accountability within a society undergoing democratization.

Parliamentary immunity must likewise be interpreted within the logic of protecting the parliamentary function rather than as an individual privilege. The protection granted to opinions and votes expressed in the exercise of the mandate ensures the freedom of parliamentary debate, while the regulation of procedures concerning the criminal liability of parliamentarians seeks to preserve a balance between institutional independence and legal accountability. The debates generated by this institution during the period 1991–2003 highlight the difficulty of distinguishing between the necessary protection of the mandate and the risk of excessive use of such guarantees.

A relevant process for understanding the evolution of parliamentary status is the professionalization of legislative activity. In the first years of transition, the lack of institutional experience and the diversity of parliamentarians' professional backgrounds influenced the functioning of the legislature. Subsequently, the development of Parliament's internal structures, the strengthening of parliamentary committees, and the increasing use of technical expertise contributed to transforming parliamentary activity into a more specialized and efficient one.

This professionalization possesses not only a technical dimension, but also an institutional one, insofar as it contributes to the creation of a parliamentary culture based on consolidated rules, procedures, and practices. In this regard, the evolution of parliamentary status reflects not merely the individual adaptation of political actors, but also the maturation of the parliamentary institution as a whole (Ionescu, 2019, pp. 214–217).

The significance of these transformations must be analyzed in correlation with the general evolution of the constitutional system. The status of the parliamentarian is not an isolated element, but rather an essential component of the mechanism through which political representation is achieved and the legislative function is exercised. The consolidation of the representative mandate, the clarification of incompatibilities, and the redefinition of parliamentary immunity contribute both to strengthening Parliament's legitimacy and to increasing its institutional efficiency.

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Within this framework, the parliamentarian fulfills a dual role: that of representative of the political will and that of participant in a complex institutional system characterized by equilibrium and mutual control. The evolution of parliamentary status during the period 1991–2003 highlights the transition from formal representation to functional representation adapted to the requirements of a consolidated democratic state.

VII. The Jurisprudence of the Constitutional Court in Shaping the Separation of Powers: From Arbitration to Normative Construction

One of the defining elements of Romanian post-communist constitutionalism is the role played by the jurisprudence of the Constitutional Court in the effective shaping of the separation of powers. Within an institutional system undergoing consolidation, constitutional norms were not always sufficient to clearly delimit the competences of public authorities, which made the interpretative intervention of constitutional jurisdiction necessary.

Established by the 1991 Constitution, the Constitutional Court rapidly exceeded its formal role as guarantor of constitutional supremacy, becoming an active actor in defining institutional equilibrium. Through its jurisprudence, the Court did not limit itself to reviewing the conformity of legal norms, but contributed to the development of a genuine constitutional doctrine that directly influenced the functioning of the political system (Vida, 2006, pp. 118–121).

An essential field in which the Court's intervention proved decisive concerns the settlement of constitutional legal conflicts. These conflicts, generated by divergent interpretations of institutional competences, revealed the limitations of the constitutional text and the necessity of an authority capable of providing binding interpretations. In the relations between Parliament, Government, and the President, the Court established the legal benchmarks of institutional cooperation, thereby contributing to the stabilization of power relations.

In particular, the jurisprudence concerning legislative delegation illustrates the tension between Parliament's formal centrality and the expansion of the Government's normative role. Although the Constitution establishes Parliament as the sole legislative authority, the practice of using governmental ordinances raised important questions regarding the delimitation of competences. The Court intervened in order to affirm the limited and exceptional character of legislative delegation, emphasizing that such delegation could not lead to the marginalization of the legislature. Through this interpretation, the Court reaffirmed Parliament's role, but within a framework of controlled normative competition.

The protection of the principle of bicameralism constitutes another relevant example of the Constitutional Court's constructive role. Through its decisions, the Court imposed respect for the role of both chambers within the legislative process, sanctioning procedures that would have allowed the bypassing of bicameral deliberation. Consequently, bicameralism no longer appears merely as a structural option, but also as a procedural guarantee of legislative quality.

At the same time, the Court's jurisprudence contributed to defining the limits of parliamentary majorities. Within a democratic system, electoral legitimacy cannot justify the arbitrary exercise of power, while constitutional review becomes the instrument through which such limitations are achieved. By invalidating normative acts contrary to the Constitution, the Court established that the will of the majority must conform to the

constitutional framework, thereby consolidating the principle of the rule of law (Muraru & Tănăsescu, 2008, pp. 260–263).

The impact of constitutional jurisprudence, however, extends beyond its corrective dimension. During the period 1991–2003, the Constitutional Court contributed to the development of a constitutional culture in which the rules of institutional interaction were clarified and internalized by political actors. In this sense, its role may be interpreted not merely as one of arbitration, but also as one of normative construction of the constitutional system.

This evolution demonstrates that the separation of powers is not a static reality established exclusively through constitutional text, but rather a dynamic process shaped through interpretation and institutional practice. The Constitutional Court thus becomes an essential actor within this process, contributing to the transformation of constitutional principles into effective rules governing the functioning of the state.

Overall, the jurisprudence of the Constitutional Court played a decisive role in shaping institutional equilibrium in post-communist Romania, consolidating both Parliament's position and the mechanisms designed to limit political power. Through this contribution, the Court emerged as one of the central pillars of Romanian democratic constitutionalism.

VIII. Comparative Dimension: Constitutional Transition in Central and Eastern Europe Between Convergence and Institutional Diversity

The analysis of Romanian post-communist constitutionalism cannot be adequately conducted in the absence of a comparative perspective capable of contextualizing domestic developments within the broader framework of transformations in Central and Eastern Europe. The collapse of communist regimes at the end of the 1980s generated, throughout the region, processes of constitutional reconstruction oriented toward the establishment of the rule of law, the protection of fundamental rights, and integration into Euro-Atlantic structures.

Although these objectives were common, the methods through which they were pursued varied significantly, reflecting differences in legal tradition, political culture, and historical context. Romania, Poland, Hungary, and the Czech Republic provide relevant examples of this diversity, each state adopting distinct institutional solutions in response to the challenges of democratic transition (Olimid, 2010, pp. 112–115).

At the constitutional level, the states of the region opted for models inspired by Western constitutionalism, yet adapted to national particularities. The 1997 Constitution of Poland consolidated a democratic regime emphasizing governmental responsibility and constitutional review, while Hungary initiated its transformation process as early as 1989 through a profound revision of the existing constitution. The Czech Republic, in turn, adopted a new constitutional text in 1992 within the context of post-federal state reorganization.

In all these cases, Parliament occupied a central position in the process of normative transformation, acting as the principal authority responsible for adopting the legislation necessary for democratic transition. This institutional convergence highlights the role of the legislature as an essential instrument of democratic reconstruction within the post-communist space.

Nevertheless, institutional differences remain significant. Some states opted for consolidated parliamentary regimes in which the executive depends directly on the parliamentary majority, while others, such as Romania and Poland, adopted hybrid

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institutional formulas characterized by the coexistence of direct presidential legitimacy and governmental responsibility before Parliament. These options reflect attempts to balance governmental stability with the necessity of limiting executive power.

Within this context, the role of Parliament in transitional processes appears as a regional constant; however, the exercise of this role is influenced by the constitutional architecture specific to each state. In Romania, the intense legislative activity during the period 1991–2003 illustrates both the scale of social and economic transformations and the pressure of adapting to European standards.

Compared to other states in the region, Romania's constitutional evolution is distinguished by a relatively high degree of normative stability. The 1991 Constitution underwent only one major revision, in 2003, without being entirely replaced, unlike other constitutional systems that experienced more radical transformations. This stability may be interpreted as the expression of an institutional equilibrium sufficiently flexible to permit adaptation without the necessity of constitutional ruptures (Iancu, 2015, pp. 184–186).

The comparative perspective therefore highlights a dual reality: on the one hand, the existence of common tendencies within post-communist constitutionalism directed toward democracy and the rule of law; on the other hand, the diversity of institutional solutions adopted to achieve these objectives. Within this framework, Parliament emerges as a fundamental institution of political representation, although its role is configured differently depending on the logic of each constitutional system.

Overall, comparative analysis not only complements the understanding of Romanian constitutional evolution, but also makes it possible to emphasize its particularities. Romania's experience illustrates the manner in which a relatively stable constitutional framework can sustain a profound process of institutional transformation under conditions of continuous adaptation to both internal dynamics and external requirements.

IX. Conclusions: Parliament Between Democratic Centrality and Constitutional Limitation

Romania's constitutional evolution during the period 1991–2003 highlights a complex process of institutional transformation in which the transition from an authoritarian regime to a constitutional democracy was not merely the result of adopting a new fundamental text, but rather the outcome of a continuous dynamic of adjustment and consolidation of the mechanisms governing the exercise of power. The 1991 Constitution established the normative framework of this transformation, yet the effective functioning of the system was shaped by institutional interaction, political practice, and the intervention of constitutional jurisdiction.

The present analysis demonstrates that Parliament occupied a central position within the constitutional architecture, both through its role as the sole legislative authority and through its function of democratic representation. During the initial stage of transition, this centrality manifested itself through intense legislative activity intended to create the normative framework of the new political and economic order. Nevertheless, this position did not translate into absolute institutional supremacy, but was progressively integrated into a system of equilibrium and mutual control (Deleanu, 2013, pp. 312–315).

One of the essential outcomes of this evolution consists in the redefinition of the legislative function in terms of institutional interdependence. Although Parliament remained the formal holder of legislative authority, constitutional practice highlighted the

growing role of the Government in the normative process, as well as the impact of constitutional review upon legislative activity. In this regard, the legislative function can no longer be conceived as a monopoly, but rather as a distributed process in which the intervention of multiple actors contributes to shaping the normative outcome.

The jurisprudence of the Constitutional Court played a decisive role in this transformation, surpassing the function of formal control and contributing to the effective construction of institutional equilibrium. Through its interpretations, the Court established the limits of public authorities' competences and strengthened the principle of constitutional supremacy, transforming the separation of powers from an abstract principle into an operational mechanism.

At the same time, the evolution of parliamentary status highlights the importance of the individual dimension of political representation within the constitutional system. The professionalization of parliamentary activity, the consolidation of the guarantees of the representative mandate, and the clarification of the regimes of incompatibilities and immunity contributed to strengthening both the legitimacy and the efficiency of the parliamentary institution.

The constitutional revision of 2003 marks the moment when these developments were integrated into a more coherent normative framework adapted to both internal and external requirements. In particular, European integration generated an opening of the constitutional system toward a supranational level of regulation, directly influencing Parliament's role within the normative process.

The comparative perspective confirms that Romania's constitutional evolution fits within a broader regional model of transition toward constitutional democracy characterized by convergence with regard to fundamental principles, but also by diversity in the institutional solutions adopted. In this context, the Romanian specificity lies in maintaining a relatively stable constitutional framework capable of sustaining significant institutional transformations without resorting to major normative ruptures.

Overall, the analysis demonstrates that Parliament's role within the architecture of the separation of powers cannot be reduced to a formal position of centrality, but must instead be understood in terms of functional integration within a complex system of governance. Parliament remains the fundamental institution of democratic representation, yet the exercise of its powers is conditioned by interaction with other public authorities and by compliance with constitutional limitations (Iorgovan, 2005, pp. 41–44).

This perspective allows for a reinterpretation of Romanian post-communist constitutionalism in which the emphasis shifts from the formal entrenchment of constitutional principles to their effective functioning. In this sense, the period 1991–2003 represents not merely a stage of transition, but the foundational moment of a constitutional culture in which equilibrium, control, and responsibility become defining elements of the exercise of political power.

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